**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF PUERTO RICO**

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| **AMERICAN WASTE MANAGEMENT AND RECYCLING, LLC.** | CIVIL NO.: 07- 1658 (JAF) |
| Plaintiff, | |
| v. | BREACH OF CONTRACT; COLLECTION OF MONIES; and DAMAGES. |
| **CEMEX PUERTO RICO; CANOPY ECOTERRA CORP.; XYZ INSURANCE COMPANIES.** | JURY TRIAL DEMANDED |
| Defendants. | |

**MOTION REQUESTING A HEARING**

**TO THE HONORABLE COURT:**

**NOW APPEARS** Plaintiff **AMERICAN WASTE MANAGEMENT AND RECYCLING**, **LLC,** (hereinafter, "AWMR") and through the undersigned attorneys, respectfully **STATES, ALLEGES** and **REQUESTS** as follows:

On August 2, 2007, Plaintiff herein filed a Motion for a Temporary Restraining Order, alleging that upon information and belief, co-Defendant Ecoterra had been allowed entry into the CEMEX site and was actively working on dismantling the plant. AWMR further alleged that CEMEX was permitting Ecoterra to take the materials already harvested by AWMR, allowing Ecoterra to extract materials fruit of AWMR's labor and equipment, and which AWMR had made readily accessible for extraction.

At that time, AWMR sought a TRO in order to secure its property on the site, since

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Ecoterra had previously stolen containers from the CEMEX site, and CEMEX allowed the containers to exit their site. Consequently, AWMR alleged that the fact that Ecoterra was openly working on the site and extracting materials put in jeopardy AWMR's loaded containers and other materials lying on the site. AWMR specifically requested that the loaded containers belonging to AWMR and the material that is lying on the ground already harvested by AWMR not be touched or removed by anyone.

AWMR informs this Honorable Court that today it served a copy of the motion requesting a TRO, together with the Motion Requesting Preliminary Injunction and a copy of the Complaint personally upon both Defendants. In light thereof, it respectfully requests that the Court set a hearing for the next available date on the Court's calendar.

**WHEREFORE,** AWMR respectfully requests that the Court **GRANT** this motion; that it set a hearing for the next available date on the Court's calendar, together with any further relief it deem just and proper under the law.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 8th day of August, 2007.

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